

**BOARD OF MINERALS AND ENVIRONMENT
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

Permit Number: GPCF 98-05

**GENERAL PERMIT FOR YARD WASTE COMPOSTING FACILITIES
UNDER THE SOUTH DAKOTA WASTE MANAGEMENT PROGRAM**

South Dakota Solid Waste Law, SDCL 34A-6-1.6, authorizes the Board of Minerals and Environment (Board) to adopt rules relating to the issuance, renewal, revocation or suspension of solid waste facility permits. South Dakota Solid Waste Law, SDCL 34A-6-58, authorizes the Secretary of the Department of Environment and Natural Resources (DENR) to recommend that the Board issue general permits for certain categories of solid waste facilities.

This general permit authorizes the construction and operation of a yard waste composting facility within the State of South Dakota, subject to compliance with all conditions set forth in this general permit. If any of the conditions of this general permit are not met, the operator may be required to apply for and obtain an individual solid waste permit as specified in SDCL 34A-6-58 and ARSD 74:27:10:06. In addition, the operator may be subject to civil penalties set forth in SDCL 34A-6-1.31.

Pursuant to SDCL 34A-6-58, this general permit is valid until suspended, revoked or modified by the Board.

This permit shall become effective October 13, 1998.

Signed this 13th day of October, 1998.

Richard C. Sweetman, Chairman
Board of Minerals and Environment

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1.0 GENERAL STATEMENTS OF LAW AND OPERATOR'S RESPONSIBILITIES

1.01 Applicability of General Permit

This general permit is potentially applicable to all operators of yard waste composting facilities that receive less than 5,000 tons of yard waste per year.

The operator may accept for treatment any materials listed in Table 1, in accordance with the specified requirements. The operator shall not accept for disposal or temporary storage any other type of waste. In case of unauthorized disposal refer to Table 2. The operator may accept other waste types similar in characteristics to those listed in Table 1 with prior written approval from DENR.

1.02 Severability

The provisions of this general permit are severable. If any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of such provisions to other circumstances and the remainder of this general permit, shall not be affected thereby.

1.03 Property Rights

This general permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws and ordinances.

1.04 Amendments, Revocation, and Suspension of General Permit

DENR may recommend to the Board that this general permit be amended as provided by ARSD 74:27:10:05. The Board may suspend or revoke this general permit as provided by SDCL 34A-6-58.

1.05 Procedure for Requesting Authorization

To obtain authorization to operate under the terms and conditions of this general permit, the operator must:

Publish a notice of intent in an official newspaper in the county in which the proposed facility will be located. The operator shall submit a request for authorization to DENR and publish a notice of intent at least 20 calendar days before the first anticipated use of the site. The request for authorization shall be made on a form provided by DENR. The public notice shall include:

- A) The name, address and phone number of both the landowner and operator of the site;
- B) The number of acres comprising the site;
- C) The general location of the site;
- D) The legal description of the site, including quarter, section, township, range and county; and
- E) A description of the compostable wastes to be accepted at the site.

If DENR determines the request for authorization is complete and meets the terms of this general permit, DENR will issue an authorization letter approving the construction and operation of the site. The operator must submit a renewal request for authorization to DENR at least 20 calendar days before the letter of authorization expires.

1.06 Duration of Authorization

Initial authorization to operate under this general permit shall be valid for up to two years from the date of issuance and may be renewed for periods of up to five years.

1.07 Changes to Request for Authorization

The operator must notify DENR at least 20 calendar days prior to implementing any change in the site location, design, or operation that would change the request for authorization initially submitted to DENR. All changes must be approved by DENR prior to implementation.

1.08 Transfers

The general permit authorization may be transferred to a new operator provided:

- A. The current operator notifies DENR at least 20 calendar days prior to the proposed transfer date;
- B. The notification to DENR includes a written agreement between the authorized and new operator containing the date for transfer of permit responsibility, coverage and liability; and
- C. The new operator is qualified to operate the facility.

1.09 Individual Permit Required

DENR may require any person requesting coverage under this general permit to apply for and obtain an individual solid waste permit if:

- A. The operator is not or cannot operate in compliance with the conditions of this general permit; or
- B. The conditions or standards change such that yard waste composting facilities no longer qualify for a general permit.

1.10 Individual Permit Requested

Any operator covered under this general permit may request to be excluded from the coverage by applying for an individual solid waste permit.

1.11 Duty to Comply

The operator must comply with all of the conditions of this general permit. Any permit condition that an operator is not in compliance with constitutes a violation of South Dakota's Solid Waste Laws (SDCL 34A-6) and is grounds for initiation of enforcement actions as described in Section 1.15 of the general permit.

1.12 Proper Maintenance and Operation

The operator shall at all times properly operate and maintain the yard waste composting facility.

1.13 Duty to Provide Information

The operator shall furnish DENR, within 14 calendar days, any information which DENR may request to determine compliance with this general permit.

1.14 Emergency Procedures

The operator must notify DENR, within one business day, of any emergency situation that arises at the facility.

1.15 Penalties for Violations of Permit Conditions

South Dakota Codified Law, (SDCL) 34A-6-1.31, states that any person who violates a solid waste permit condition is subject to a civil penalty of up to \$10,000 per day per violation.

1.16 Duty to Provide Access to Facility

The operator shall allow DENR:

- A. Access to the site where a regulated activity is located or conducted;
- B. To inspect any facilities, equipment, practices or operations regulated or required under this general permit; and
- C. To sample or monitor any substances or parameters.

1.17 Administrative Changes Authorized

DENR reserves the right to incorporate administrative changes and/or modifications to this permit. Administrative changes are authorized for the purposes of changing or correcting:

- A. Typographical errors;
- B. Regulatory references;
- C. Titles of organizations or regulatory agencies; and
- D. Similar items which do not substantially change the requirements of this general permit.

1.18 Need to Halt or Reduce Activity not a Defense

DENR will not consider that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit, when enforcing the conditions of this permit.

1.19 Duty to Mitigate

The operator shall take all reasonable steps to minimize or prevent any adverse affect on human health or the environment.

2.0 LOCATION AND DESIGN REQUIREMENTS

2.01 Facility Siting

The operator **shall not** locate the site:

- A. In a wetland as defined in section ARSD 74:27:07:01;
- B. Within 200 feet of surface water, excluding wetlands, as defined by ARSD 74:03:02:01;
- C. Within 1,000 feet of any occupied dwellings;
- D. Within 1,000 feet of any private or public well which supplies drinking water for human consumption;
- E. Where the depth to an aquifer, as defined by ARSD 74:03:16:01(1), is less than 10 feet;
- F. Within a 100 year floodplain;
- G. Where the primary subsurface material is sand or gravel as determined by the Unified Soil Classification System; or
- H. In an area that adversely affects wildlife, recreation, aesthetic value of, or any listed threatened or endangered species.

In addition, the operator shall not locate the active composting area within 100 feet of the property boundaries without written approval of the adjacent property owner(s).

2.02 Storm Water Control

The operator shall construct and maintain dikes or diversion structures around the composting areas to divert run-on and contain run-off from the 25-year, 24-hour storm event. The operator shall adequately compact the dikes to prevent leakage.

2.03 Access Control

The operator shall:

- A. Control access to the site through the use of fences and gates; and
- B. Post a sign or signs at the entrance to the site stating the operator's name, phone number, type of facility, hours of operation, and a list of accepted compostable wastes.

3.0 OPERATIONAL REQUIREMENTS

3.01 Vector Control

The operator shall prevent or control on-site populations of disease vectors by using techniques appropriate for the protection of human health and for preventing degradation of the environment.

3.02 Routine Inspection Requirements

The operator shall inspect the facility at least weekly to prevent and/or detect the disposal of unauthorized wastes, and shall promptly remove and dispose of any unauthorized waste at a properly permitted facility.

3.03 Waste Handling Requirements

The operator shall only accept yard waste listed in Table 1. If unauthorized materials are detected at the site, the operator shall follow the handling procedures stated in Table 2.

3.04 Beneficial Reuse Allowed

Compost that is offered for sale or service must be registered with the South Dakota Department of Agriculture. Contact the Department of Agriculture at 773-3724 for information on registration of compost material.

4.0 CLOSURE REQUIREMENTS

4.01 Final Closure Requirements

The operator shall notify DENR of the intent to close the site at least 30 calendar days prior to closure. Upon closure of a yard waste composting facility, the operator shall:

- A. Record a notation on the deed or other instrument that is normally examined during a property title search that the site has been used as a yard waste composting facility;
- B. Incorporate the contours of the closed site into the contours of the surrounding area;
- C. Grade the site to prevent ponding of water;
- D. Seed and revegetate the site in accordance with Natural Resources Conservation Service recommendations.
- E. Post a sign stating that the facility is closed; and
- F. Inspect the closed facility periodically for one year to detect unauthorized use.

5.0 RECORDKEEPING AND REPORTING REQUIREMENTS

5.01 Required Records

The operator must maintain the following records, at a minimum:

- A. Sources, types, and estimated amounts of yard waste accepted annually; and
- B. Copies of the operator's request for authorization and letter of authorization received from DENR.

NOTE: If no scale is available then use this calculation to estimate the annual tonnage. Five cubic yards of leaves and grass clippings equals approximately one ton.
0.1 ton X population served yields the annual estimated tonnage of yard waste compost.

5.02 Maintenance of Records

The operator shall maintain all records and data required by the terms and conditions of this general permit for a period of one year following the closure of the site.

6.0 FINANCIAL ASSURANCE

6.01 Financial Assurance Required

DENR may require the operator of a yard waste composting facility to provide financial assurance to ensure the availability of funds for required closure and postclosure activities and/or for environmental remediation, if:

- A. The operator of the site accepts more than 5,000 tons per year at the facility; or
- B. The operator violates terms and conditions of this permit.

Any financial assurance required will comply with SDCL 34A-6-1.11 and SDCL 34A-6-1.12.

Yard Waste Composting Facility

Table 1 -- Authorized Wastes

Under South Dakota law, local ordinances may further restrict some of the items listed below. Some facilities may have restrictions or may choose not to accept some of the materials listed.

Type of Waste	Handling Procedures / Requirements
Yard Waste -- Leaves, grass clippings and similar vegetation	<p>These wastes must be composted by:</p> <ol style="list-style-type: none"> 1) placing the wastes in piles or windrows; 2) aerating the piles or windrows as necessary to control odor; and 3) maintaining moisture levels in the piles or windrows to promote decomposition and to prevent windblown debris. <p>Yard waste may not be open burned.</p> <p>Reuse of compost shall be in compliance with applicable federal, state and local laws.</p>
Municipal Sewage Sludge	<p>This must meet 40 CFR Part 503 requirements.</p> <p>Contact DENR - Surface Water Quality Program</p>

Waste not specifically listed here or approved in writing by DENR must be disposed of at a properly permitted solid waste facility.

Compost that is offered for sale or service must be registered with the SD Department of Agriculture. For information on registration of compost material call 773-3724.

NOTE: Five cubic yards of leaves and grass clippings equals approximately one ton.
0.1 ton X population served yields the annual estimated tonnage of yard waste compost.

Table 2 -- Unauthorized Wastes

The following wastes are not allowed to be accepted at a yard waste composting site. If these substances are detected at the site, proper specific handling procedures and requirements are stated here for operator use.

Type of waste	Handling Procedures / Requirements
Hazardous waste, including conditionally exempt small quantity generator (CESQG) waste	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
Pesticide containers	Isolate waste. Waste must be taken to a properly permitted solid waste facility or contact Department of Agriculture for recycling options.
Petroleum contaminated soil	Isolate waste and contact DENR within one business day. Waste must be taken to properly permitted solid waste facility.
Regulated asbestos containing materials	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
Lead-acid batteries	Isolate waste. Waste should be taken to a recycler that accepts car batteries.
Putrescible wastes	Isolate waste. Waste must be taken to a properly permitted solid waste facility.
Ash	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>Construction and Demolition Debris (non-burnable):</u> Concrete, brick, stonework, asphaltic concrete, concrete block, asphaltic or fiberglass shingles, painted or stained wood, attached insulation, and similar wastes, excluding cardboard, plastic, Styrofoam, foam rubber, other packaging material, containerized paints, sealants, adhesives and similar wastes. ¹	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>Construction and Demolition (C&D) Debris (burnable):</u> Scrap lumber, untreated wood, trees and tree branches	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>Treated wood</u> ²	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>Miscellaneous wastes:</u> Furniture, mattresses and similar wastes	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>White Goods:</u> Refrigerators, washers, dryers, freezers, stoves, water heaters and other recyclable scrap metals, excluding fuel tanks.	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.
<u>Scrap tires</u>	Isolate waste and contact DENR within one business day. Waste must be taken to a properly permitted solid waste facility.

1. Cardboard, plastic, Styrofoam, foam rubber, packaging materials, containerized paints, sealants, and adhesives may not be accepted at a restricted use site. These wastes must go to a municipal solid waste landfill.

2. Wood treated with copper chromium arsenate (also known as CCA or 'green treated'), pentachlorophenol (PCP or 'brown treated') wood must go to a permitted municipal solid waste landfill.